


HYPERTHERM, INC.,  
  
Plaintiff,  
  
vs.  
  
PROFILE CUTTING TECHNOLOGIES  
LTD., *et al.*,  
  
Defendants.

**ORDER ACCEPTING REPORT &  
RECOMMENDATION OF MAGISTRATE  
JUDGE FERENBACH**

Pursuant to Local Rule IB 3-2(a), objections were due by January 3, 2014. No objections have been filed. In accordance with 28 U.S.C. § 636(b)(1) and Local Rule IB 1-4, the Court has reviewed the record in this case and has determined that Magistrate Judge Ferenbach's Recommendation should be **ACCEPTED** and **ADOPTED** to the extent that it is not inconsistent with this Order.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Default Judgment is **GRANTED** consistent with this Order.

**DATED** this 13th day of January, 2014.

  
Victoria M. Navarro, Chief  
United States District Court

# Exhibit 1

# Exhibit 1

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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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8 HYPERTHERM, INC.,

9 Plaintiff,

10 vs.

11 PROFILE CUTTING TECHNOLOGIES LTD., *et*  
12 *al.*,

13 Defendants.

2:12-cv-01952-GMN-VCF

**DEFAULT FINAL JUDGMENT AND**  
**PERMANENT INJUNCTION ORDER**

14 This action having been commenced by Plaintiff Hypertherm, Inc. ("Hypertherm") against  
15 Defendants WestingCut Industrial Technology (Anhui) Inc., WestingCut Electric (Shanghai) Inc., and  
16 WestingCut Industrial Technology (Shanghai) Inc. (collectively, the "Defendants") for patent  
17 infringement pursuant to 35 U.S.C. § 271 for the reason that Defendants are making, selling, offering to  
18 sell, or using products infringing U.S. Patent Nos. 6,946,617; 8,115,136; 8,212,173; 7,829,816; and  
19 6,207,923 (collectively, the "Hypertherm Asserted Patents"), which are owned and controlled by  
20 Hypertherm; and

21 Defendants having been properly served through personal delivery of the Summons in a  
22 Civil Action, Civil Cover Sheet and Complaint upon an authorized agent of Defendants; and

23 None of the Defendants having filed a response to the Complaint or otherwise appeared in  
24 this action; and

25 The Clerk of the Court having entered a default against each Defendant on May 16, 2013;

1 and

2 Hypertherm having moved for final default judgment under Fed. R. Civ. P. 55(b) and Hypertherm  
3 having shown, inter alia, the following:

4 1. Hypertherm owns all rights, title and interest in and to the Hypertherm Asserted  
5 Patents; and

6 2. Defendants are making, selling, offering to sell, or using products infringing the  
7 Hypertherm Asserted Patents in the United States, including this Judicial District; and so the Court:

8 HEREBY FINDS that each Defendant is liable for patent infringement and this Default Final  
9 Judgment and Permanent Injunction Order is entered against each Defendant.

10 THEREFORE, IT IS HEREBY ORDERED that Defendants, their predecessors,  
11 successors, assigns, executors, administrators, and its past, present and future officers, directors,  
12 employees, parents, subsidiaries, divisions, affiliates, partners, attorneys, representatives,  
13 shareholders, trustees, agents, advisors and any persons in active concert or participation with  
14 them are permanently enjoined and restrained from:  
15

- 16 (i) making, selling, offering to sell, or using non-genuine  
17 versions of original Hypertherm parts that are covered  
by the Hypertherm Asserted Patents; and
- 18 (ii) selling or offering to sell such non-genuine versions  
19 of original Hypertherm parts that are covered by the  
20 Hypertherm Asserted Patents by any means, including  
at tradeshow and/or using online (internet) resources  
and services; or
- 21 (iii) using the "Made in U.S.A." designation on labels for  
22 non-genuine parts that correspond to original  
23 Hypertherm parts that are covered by the Hypertherm  
Asserted Patents.

24 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to 35 U.S.C.  
25

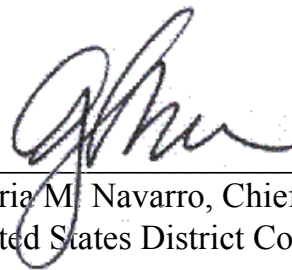
1 § 285, Plaintiff is awarded reasonable attorney's fees, subject to plaintiff's timely compliance with  
2 Fed.R.Civ. P. 54(d) and Local Rules 54-16.

3 IT IS FINALL Y ORDERED that this Court shall retain jurisdiction over the parties and  
4 the subject matter of this litigation for the purposes of interpretation and enforcement of this  
5 Default Final Judgment and Permanent Injunction Order.

6 IT IS SO ORDERED.

7 **DATED** this 13th day of January, 2014.

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Gloria M. Navarro, Chief Judge  
United States District Court